

**REMARKS**

The Final Office Action mailed July 9, 2004 has been received and carefully noted. The undersigned counsel thanks the Examiner's Supervisor and the Examiner for providing the opportunity to discuss the Office Action and the rejections therein. The amendments and remarks made herein are submitted as a full and complete response thereto.

A "Petition for Extension of Time" for extending the due date for responding to the Office Action by one month and a credit card payment form to cover the fee payment (\$110.00) for the extension are filed with this Response. Authorization is granted to charge counsel's Deposit Account No. 01-2300, referencing **Attorney Docket No. 107156-00073**, for any additional fees necessary for entry of this Response.

Claims 1-4 have been amended. Applicants submit that the amendments and remarks made herein are fully supported in the Specification and the drawings as originally filed, and therefore no new matter has been introduced. Accordingly, claims 1-4 are pending in the present application and are respectfully submitted for reconsideration.

Claims 1-3 were finally rejected under 35 U.S.C. § 102(e) as being anticipated by the Kitamura patent (U.S. Patent No. 6,704,421). Dependent claims 2-3 depend from independent claim 1. Claims 1-3 have been amended. The rejections are respectfully traversed and reconsideration is requested.

Independent claim 1, as amended, recites an audio reproducing apparatus comprising audio reproducing device for reproducing audio information; discriminating device for discriminating sound stream attribute contained in the audio information; storing device for storing frequency character information set corresponding to the sound stream attribute;

renewing device for variably adjusting the frequency character information in accordance with the sound stream attribute discriminated by the discriminating device; and control device for performing a control so that the renewing device can be variably adjusted in accordance with the frequency character information corresponding to the sound stream attribute discriminated by the discriminating device, and that the audio reproducing device can output the audio information. It is respectfully submitted that the Kitamura patent does not disclose or suggest the audio reproducing apparatus, as claimed in the present invention.

With reference to Figs. 1-2 and 4a-4b, the Kitamura patent merely discloses an automatic equalization control system for a multimedia computer in which when an optical disc having recorded thereon audio information is inserted into a disc reader 14, an associated software activates an automatic multichannel equalizer controller 16 to read disc ID data. The controller 16 accesses template block 28 to read ID list template 40 to match the read ID data with stored ID number data 58. (col. 6, ls. 45 - 63; medium ID 58 in Fig. 2) If the read ID number does not exist, the automatic multichannel equalization controller 16 loads a default equalization template and communicates the default equalizer control data to the programmable audio processor 24 to process the multichannel audio signals. If the read disc ID exists in the ID list template 40, indicating that the disc has already been used in the system and equalizer control data has been entered by the user for that disc, the automatic multichannel equalization controller 16 loads the equalization settings from the corresponding equalization template 44 associated with the ID data 58 and controls the programmable audio processor 24 accordingly. (col. 6, l. 64 - col. 7, l. 18)

Such does not disclose or suggest the essential features of the audio reproducing apparatus of the claimed invention, particularly, renewing device for variably adjusting frequency character information in accordance with the sound stream attribute discriminated by a

discriminating device and control device for performing a control so that the renewing device can be variably adjusted in accordance with the frequency character information, as claimed in amended claim 1. Rather, the Kitamura patent merely discloses that a multichannel equalization controller 16 selects a multichannel equalization template, which may contain default settings or user programmed settings, in response to matching read disc ID data with stored ID number. In other words, the controller 16 of the Kitamura patent does not variably reproduce audio information based on discriminating sound stream attribute contained in the audio information.

By virtue of the renewing device and control device of the present invention, when the sound stream attribute is detected to have changed during audio reproducing, it is possible to renew the frequency character to make it suitable for the changed sound stream attribute, thereby ensuring a sound field environment is automatically reproduced according to the sound stream attribute and resulting in an improved convenience for a user. Accordingly, the Kitamura patent fails to disclose or suggest the audio reproducing apparatus, as claimed

Based upon the forgoing, Applicants respectfully submit that each and every element recited within independent claim 1 is neither disclosed nor suggested by the Kitamura patent, and is therefore allowable. Reconsideration is requested.

It is further submitted that dependent claims 2-3 are also patentable and in condition for allowance due to their dependency upon independent claim 1, since the dependent claims differ in scope from the parent claim. Dependent claims 2-3 depend from independent claim 1, and thus are further limited to additional features of the invention. Therefore, it is respectfully submitted that the dependent claims are patentable over the Kitamura patent for at least the reasons set forth above with respect to independent claim 1. Reconsideration is requested.

Dependent claim 4 was finally rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kitamura patent. Claim 4 has been amended. The rejection is respectfully traversed and reconsideration is requested.

With reference to the above arguments concerning the independent claim, it is further submitted that the Kitamura patent fails to disclose or suggest the content of dependent claim 4, which depends from independent claim 1. As acknowledged by the Examiner, the Kitamura patent "does not expressly disclose the discriminating device is adapted to effect an On/Off control of speakers, in accordance with an attribute of an audio stream". The Examiner proceeds to suggest that it would have been obvious "that the discriminating device is adapted to effect an On/Off control of speakers, in accordance with an attribute of an audio stream since modification is only made to channels that are recorded on a disc, therefore only those channels should be used [sic] to playback the audio signal".

However, as presented in the above arguments, the Kitamura patent merely discloses that a multichannel equalization controller 16 selects a multichannel equalization template in response to matching read disc ID data with stored ID number. Even were the disc ID data to include equalization "type" information (e.g., jazz, classical, rock, movie) reproducing audio information based on such data is neither equivalent nor analogous to reproducing audio information in accordance with an sound stream attribute, as claimed in dependent claim 4. Specifically, there is no suggestion of adapting a discriminating device to effect an On/Off control of speakers, in accordance with a sound stream attribute, as claimed in the present invention. By virtue of this feature of the present invention, speakers may be On/Off controlled automatically in accordance with a sound stream attribute of each song (even if a song being played is changed frequently), thereby ensuring an improved convenience for a user. The

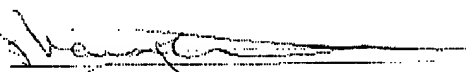
Kitamura patent teaches nothing about performing an On/Off control of speakers in accordance with some changed ID information or header data when a song being played is changed. It is therefore submitted that the dependent claims are also patentable and in condition for allowance. Reconsideration is requested.

Entry of this Response after final rejection is therefore submitted as proper in that it places the application in condition for allowance. Particularly, the present Response is submitted as not raising new issues or requiring further consideration or searching. Undersigned counsel would accordingly appreciate the Examiner telephoning counsel prior to the expiration of the six-month statutory period (i.e., January 9, 2005) to indicate the disposition of this Response.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this application.

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Respectfully submitted,

  
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